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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

2:21-cr-0089-SDM

Plaintiff,

**DEFENDANT'S MEMORANDUM
IN AID OF SENTENCING**

vs.

JAMES V. BARLOW,

Defendant.

Defendant, James V. Barlow, submits the following memorandum in support of a sentence of 12 months and 1 day in prison followed by three years of supervised release. Such a sentence is sufficient but not greater than necessary.

MEMORANDUM IN AID OF SENTENCING

INTRODUCTION

James V. Barlow is an affable, engaging 46-year old man; he is likeable, up-front and uses self-deprecating humor to put others at ease. He is before this Court for his self-acknowledged error in judgment of operating a DTO which was involved in the sale and distribution of a controlled substance analog (Mushrooms) and money laundering the proceeds of that organization.

1 Mr. Barlow is a retired veteran of the army and has served both active
2 duty and in the national guard for more than twenty (20) years including
3 multiple tours of duty in Iraq and Afghanistan, and many other overseas
4 deployments. Upon his retirement and transition back into a civilian life he
5 suffered crippling PTSD, as a result of the things he did and saw during those
6 deployments. He sought help for his PTSD from the VA and while he did
7 receive some assistance, he still suffered greatly from PTSD and sought out
8 other non-traditional treatments.
9

11 A friend told Mr. Barlow that psilocybin (mushrooms) had been a huge
12 help to him in dealing with his own PTSD, and so Mr. Barlow tried it as well.
13 It was very effective at allowing him to reset his mind and thinking, and
14 allowed him to gain valuable perspective regarding the things he had seen and
15 done in service of his country, helping him cope with the survivor's guilt he
16 experienced following his service.
17

19 Mr. Barlow experienced an incomprehensible relief from the chronic
20 symptoms of PTSD after using the psilocybin, and he knew of many other
21 soldiers who were similarly suffering from the effects of PTSD, and he wanted
22 to provide these other soldiers with the opportunity for relief that he
23 experienced. He began growing and selling the psilocybin himself, knowing
24 that he was doing so in violation of the federal law regarding the possession,
25 use and sale of psilocybin, but he was ultimately unable to turn a blind eye to
26 the ongoing suffering of others that he felt he could assist.
27
28

1 Mr. Barlow did in fact start a DTO which initially offered psilocybin for
2 relief to soldiers and service members suffering from PTSD, but he expanded
3 the DTO to provide access to people suffering from opioid addiction, many of
4 whom told Mr. Barlow that following the use of the psilocybin they no longer
5 had the irresistible craving for narcotics which had plagued them for years,
6 potentially saving their lives from overdose.
7

8
9 Mr. Barlow did further research into psilocybin, relying upon a renowned
10 author and Knight Professor of Science and Environmental Journalism at UC
11 Berkley Graduate School of Journalism - Michael Pollen (author of *How to*
12 *change your mind*), and discovered that psilocybin could be used to effectively
13 treat many mental health issues including depression, anxiety, and addiction.
14 He again expanded his DTO to a wider client base, to allow people who thought
15 they may benefit from the use of psilocybin to purchase the dose from him.
16
17

18 While he acknowledges that his actions violated federal law, he does
19 want to draw the Court's attention to how many people used his product
20 therapeutically to make their lives better, including addicts, soldiers, and
21 people suffering from crippling mental health problems. This is not an excuse
22 for his behavior, rather is an explanation of where his motivations and heart
23 were during the operation of the DTO.
24
25

26 Mr. Barlow did make money from his DTO and acknowledges that what
27 he did was wrong, but he also tried to do good with the proceeds of his activity.
28

1 He regularly donated DTO proceeds to charities and disaster relief efforts¹, as
2 well as providing for his family and their needs whenever he could. Ultimately,
3 what he did was wrong, but he started and continued with the best of
4 intentions throughout the course of the DTO.
5

6 There have been many news articles and journal articles discussing the
7 benefits of psilocybin in treatment of mental health and opioid addiction², and
8 psilocybin has been legalized in Oregon since 2020 for therapeutic uses³.
9 Furthermore, the FDA has classified psilocybin as a ‘breakthrough therapy,’ a
10 designation intended to speed the process of getting especially promising drugs
11 to market.⁴
12

13 However understandable his urge to provide help to fellow servicemen,
14 addicts, and others suffering from mental health disorders might be, Mr.
15 Barlow understands that his decision was wrong, and he has taken every
16 opportunity to accept responsibility for that decision and its consequences. He
17 has pled to one count of an indictment, waived indictment and plead to a second
18 count via an information, and accepted a plea agreement in this case. Given
19
20
21
22

23
24 ¹ See Exhibit A - Vice News article “Dark Web Dealer Allegedly Donates Drug Profits to Charity,” dated October 7, 2015

25 ² See Exhibit B – CNN articles and a Johns Hopkins Medicine article

26 ³ See Exhibit C – Forbes article on Oregon legalization of mushrooms

27 ⁴ See Kristen V. Brown and Drake Bennett, Get Ready for the Magic Mushroom Pill, Bloomberg (US
28 Edition August 22, 2022) (available at: <https://www.bloomberg.com/news/features/2022-08-22/magic-mushrooms-grow-in-startup-labs-as-legal-status-changes>).

his acceptance of responsibility for his poor decision, justice is best served by sentencing Mr. Barlow to one year and one day in prison, followed by three years of supervised release. This is sufficient but not greater than necessary under the relevant § 3553(a) factors for an offender like Mr. Barlow.

BACKGROUND

A. Mr. Barlow's background

Mr. Barlow grew up in a conservative family in Salt Lake City, Utah. He enlisted in the United States Army in 1994 and served as both active duty and National Guard including deployments to Bosnia, France, Iraq, Afghanistan, and Columbia⁵. During his service in the Army he received decorations including:

- Army commendation medal,
- Army achievement medal,
- National defense service medal with bronze star,
- Global war on terrorism expeditionary medal,
- Global war on terrorism service medal,
- Army service ribbon,
- Overseas service ribbon,
- Army reserve award,
- Afghanistan campaign medal,
- Award for operations relating to former Yugoslavia,

⁵ PSR ¶ 78

- Component overseas training ribbon,
- NATO medal, and
- Marksmanship medal (sharpshooter with rifle).

Mr. Barlow retired honorably as a Sergeant 1st Class in 2019⁶.

Mr. Barlow's friends and family have expressed disappointment in his actions but continue to express their support for him⁷. Many have expressed their feelings of love, respect, and support for Mr. Barlow in letters written directly to the Court⁸.

B. The offense

Mr. Barlow admits that his judgment was off when he decided to illegally traffic in controlled substances, specifically a psychedelic mushroom analog. Without excusing his behavior, but only to offer explanation, he notes that cumulative factors played into his poor decision.

These factors include his own PTSD and lack of support and treatment for veterans. A service member and veteran Mr. Barlow trusted recommended mushrooms to help treat Mr. Barlow's PTSD. At this point in his life, Mr. Barlow had been silently struggling and suffering under a crippling case of PTSD and felt like he would try anything to help treat his trauma. When this psilocybin treatment was not only highly effective, but also non-addictive, he

⁶ PSR ¶ 96

⁷ PSR ¶ 81, 86

⁸ See letters from friends and family attached hereto as Exhibit D

1 felt like a curtain had been removed from his mind, one that had draped over
2 his life for years during and following his service in the Army.

3
4 Mr. Barlow knew many other veterans who also suffered terribly under
5 the weight of untreated PTSD and he wanted to offer them the same lifeline
6 he had received, so he began to grow the mushrooms himself to provide to other
7 veterans for treatment purposes. His research into what made mushrooms so
8 effective in treating PTSD revealed that they could also be used to successfully
9 treat mental health problems and addiction⁹, and so Mr. Barlow extended his
10 organization to provide psilocybin to others suffering from these dysfunctions.
11
12

13 Before he knew it, Mr. Barlow found himself selling large quantities of
14 psilocybin on the dark web, to customers all across America, with the intention
15 to help people deal with traumas, addictions, and mental health concerns, but
16 he always comforted himself through the fact that his product was non-
17 addictive, as he did not want to cause people to trade one addiction for another.
18 He felt quite guilty to be profiting from people who needed his product to help
19 treat themselves for their individual issues, and regularly donated his profits
20 to charities¹⁰, including to the See Change Foundation and Doctors Without
21 Borders.
22
23

24 These factors conspired to convince Mr. Barlow to continue selling
25 controlled substances on the dark web and using cryptocurrency to accept
26

27
28 ⁹ See news articles attached hereto as Exhibit B

¹⁰ see Exhibit A attached hereto for an article discussing his donations

1 payment. However, he felt that what he was doing was furthering the common
 2 good and allowing people to deal with their mental health and addiction in a
 3 better way.
 4

5 ARGUMENT

6 The Supreme Court's decision in *Gall v. United States* sets forth the
 7 three-step process for sentencing courts:¹¹ First, the court properly determines
 8 the guideline range.¹² Second, the court considers any departures from the
 9 range, including, as relevant here, acceptance of responsibility, to arrive at the
 10 final advisory guidelines range.¹³ Third, the court reviews the sentence under
 11 its *Booker* authority using the factors identified in § 3553(a), including whether
 12 any variances are warranted.¹⁴ The result must be a sentence that is
 13 "sufficient, but not greater than necessary," to achieve the four purposes of
 14 sentencing: retribution, deterrence, incapacitation, and rehabilitation.¹⁵
 15
 16
 17

18 That standard is satisfied in this case by a sentence of twelve months
 19 and one day of prison time followed by three years of supervised release. This
 20

21 ¹¹ 552 U.S. 38, 49 (2007) (the district court should begin all sentencing
 22 proceedings by correctly calculating the applicable guideline range, and "to
 23 secure nationwide consistency, the Guidelines should be the starting point and
 24 the initial benchmark."); *see also* USSG § 1B1.1(a)–(c) (Application
 Instructions).

25 ¹² *Id.*; 18 U.S.C. § 3553(a)(4).

26 ¹³ 552 U.S. at 50; 18 U.S.C. § 3553(a)(5).

27 ¹⁴ *See* USSG § 1B1.1(c); *see also United States v. Hughes*, 401 F.3d 540, 546
 28 (4th Cir. 2005); *United States v. Stone*, 432 F.3d 651, 655 (6th Cir. 2005).

¹⁵ *See* 18 USC § 3553(a)(2).

would be a significant downward departure but best serves the interests of justice.

A. The applicable advisory guidelines range

As set forth in the Presentence Report¹⁶, and plea agreement the adjusted offense level is 29, and Mr. Barlow's Criminal History Category is I¹⁷, which corresponds to a Guidelines range of 78-97 months.

B. Under the § 3553(a) factors, a further downward variance is justified to reach a sentence that is sufficient but not greater than necessary

Title 18 section 3553(a) requires district courts to impose a sentence "sufficient, but not greater than necessary," to achieve the four purposes of sentencing (retribution, deterrence, incapacitation, and rehabilitation¹⁸); in doing so, courts consider relevant § 3553(a) factors.¹⁹ Those factors, discussed below where relevant, point in this case to a sentence that is shorter on prison, 12 months and 1 day, and longer on supervision, three years supervised release, as sufficient but not greater than necessary to achieve the § 3553(a) sentencing goals.

1. A 12-month/three-year sentence is appropriate given Mr. Barlow's offense and his history and characteristics

¹⁶ PSR at 15-18.

¹⁷ PSR ¶ 77.

¹⁸ See 18 USC § 3553(a)(2).

¹⁹ See 18 U.S.C. § 3553(a)(1)-(7).

1 The first § 3553(a) factor is the nature and circumstances of the offense
 2 and the defendant's history and characteristics.²⁰ Mr. Barlow's offense,
 3 running a DTO and laundering the financial proceeds of that DTO, are serious,
 4 but his mistake is at least understandable when accounting for his feeling that
 5 he owed other veterans the same opportunity he was provided to treat and
 6 manage his crippling PTSD.

7
 8
 9 Mr. Barlow has a strong support system including friends and family all
 10 who disagree with his choice to start and run a DTO, but are supportive of him
 11 re-integrating into society at the conclusion of his sentence. They have written
 12 many letters to this Court²¹ begging for compassion and leniency when
 13 contemplating a sentence in this case.

14
 15 Mr. Barlow acknowledges his mistake and accepted responsibility early
 16 for that mistake. This § 3553(a) factor justifies a downward variance and a
 17 sentence at the low end of the guideline range of 12 months and 1 day, with
 18 three years of supervised release.

19
 20
 21 **2. A 12-month & 1 day/three-year sentence furthers the four**
 22 **purposes of sentencing**

23 The second § 3553(a) factor relates to the need for a sentence to further
 24 the four purposes of sentencing: retribution, deterrence, incapacitation, and
 25
 26
 27

28 ²⁰ See 18 U.S.C. § 3553(a)(1).

²¹ See Exhibit D

1 rehabilitation.²² These goals are sufficiently served by a 12-month and 1
2 day/three-year sentence.

3
4 *Retribution.* In the sentencing context, “retribution” refers to the need
5 for a sentence “to reflect the seriousness of the offense, to promote respect for
6 the law, and to provide just punishment for the offense”²³ In terms of
7 seriousness, running a DTO and laundering proceeds is serious. And while
8 such offenses are serious to be sure, no one is alleged to have been injured as
9 a result of Mr. Barlow’s crimes, and in a striking difference from most drug
10 cases, no firearm was used or even possessed by the defendant here. Further
11 these are not crimes of calculating malevolence of the sort that require a harsh
12 prison sentence to exact sufficient retribution or promote respect for the law,
13 and a sentence 12-month and 1-day/three-year sentence would therefore be
14 sufficiently retributive.

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18 *Deterrence.* The need for a prison sentence to further the goal of
19 deterrence must be considered in light of the fact that lengthy prison sentences
20 have virtually zero deterrent effect, either on the defendant being sentenced
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²² See 18 USC § 3553(a)(2).

²³ See 18 USC § 3553(a)(2)(A).

(specific deterrence²⁴), or on other would-be criminals (general deterrence²⁵).

²⁴ Dispelling the notion of defendant-specific deterrence, the United States Sentencing Commission (the Commission) studied two cohorts of crack cocaine offenders—one that received 2-level-reduced sentences, and one that received heightened sentences—and found “no statistical difference” in recidivism rates. Chief Judge Patti B. Saris, Chair, United States Sentencing Commission, Speech to Georgetown University Law Center: “A Generational Shift for Drug Sentences,” March 26, 2014. (Available at: <https://www.ussc.gov/sites/default/files/pdf/training/online-learning-center/supporting-materials/Saris-Georgetown-Law-Center-Speech-20140326.pdf>).

²⁵ Historically, empirical research shows that, while *certainty* of getting caught and punished deters crime generally, simply imposing harsher sentences does not, essentially because would-be criminals are not rational actors; they don’t believe they’ll be caught and convicted, and they aren’t aware of the potential penalties if they are. See Michael Tonry, PURPOSES AND FUNCTIONS OF SENTENCING, 34 Crime & Justice 1, 28–29 (2006) (citing articles published in 1980, 1998, 1999, and 2003) (“[I]ncreases in severity of punishments do not yield significant (if any) marginal deterrent effects . . . Three National Academy of Science panels, all appointed by Republican presidents, reached that conclusion, as has every major survey of the evidence.”) *Id.* More recent studies cast further doubt on the deterrent effect of harsh sentences. For example, a 2014 review by the National Research Council pointed out: “Three National Research Council studies have examined the literature on deterrence and concluded that insufficient evidence exists to justify predicating policy choices on the general assumption that harsher punishments yield measurable deterrent effects[] [and] [n]early every leading survey of the deterrence literature in the past three decades has reached the same conclusion [citations omitted].” Nat’l Res. Council, THE GROWTH OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES 90 (Jeremy Travis et al., eds. 2014) (Available at: https://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf). Most recently, a highly sophisticated 2018 study of 300,000 federally sentenced individuals found that a 28% increase in prison time would reduce recidivism by only 1%. See William Rhodes, et al., Relationship Between Prison Length of Stay and Recidivism: A STUDY USING REGRESSION DISCONTINUITY AND INSTRUMENTAL VARIABLES WITH MULTIPLE BREAK POINTS, 17 Criminology & Pub Pol’y 731, 754 (2018).

Relatedly, incarceration has, at most, a negligible effect on public safety.²⁶ Confirming the absence of a correlation between prison length and recidivism, sentencing *reductions* do *not* increase recidivism.²⁷ All of this is to say that, since sentencing Mr. Barlow to a lengthy prison term will not further the sentencing goal of deterrence, and shortening his prison sentence will not increase his likelihood of reoffending, the sentencing goal of deterrence is best served by a 12-month & 1-day/three-year sentence.

Incapacitation and rehabilitation. These related sentencing goals refer to the need for a sentence to protect the public from Mr. Barlow's further crimes,²⁸ and to provide him "correctional treatment in the most effective manner."²⁹ Importantly, courts may pursue these goals "not through a longer term of imprisonment, but through extensive counseling and treatment and an extensive period of supervised release."³⁰

²⁶ Crime rates have trended downward since 1990, and researchers attribute 75 to 100 percent of these reductions to factors *other than* incarceration. *See, e.g.,* Don Stemen, "The Prison Paradox: More Incarceration Will Not Make Us Safer" (New York: Vera Institute of Justice, 2017), available at <https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer>.

²⁷ *See* USSC, Recidivism Among Federal Offenders Receiving Retroactive Sentencing Reductions: The 2011 Fair Sentencing Act Guideline Amendment 3 (2018).

²⁸ *See* 18 USC § 3553(a)(2)(C).

²⁹ 18 USC § 3553(a)(2)(D).

³⁰ *United States v. Grossman*, 513 F.3d 592, 597 (6th Cir. 2008) (affirming a downward variance from 120 to 66 months with ten years' supervised release, and observing that the sentencing court "accounted for § 3553(a)'s concerns

CONCLUSION

In conclusion, the Court should sentence Mr. Barlow to a term of 12 months and 1 day in prison and three years of supervised release. This is sufficient but not greater than necessary under the relevant § 3553(a) factors for an offender like Mr. Barlow.

Date: November 29, 2022

Respectfully submitted:

/s/ Christopher S. Mishler

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that the sentence protect society and deter future criminal conduct,” but that “it opted to pursue those goals, not through a longer term of imprisonment, but through extensive counseling and treatment and an extensive period of supervised release”).

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of BROWN MISHLER, PLLC, and that on November 29, 2022, I served the foregoing **DEFENDANT'S MEMORANDUM IN AID OF SENTENCING** via the district court's online e-filing and e-service platform.

By: /s/ Christopher Mishler
An employee of
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EXHIBIT A

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FYI.




This story is over 5 years old.

MOTHERBOARD
TECH BY VICE

Dark Web Dealer Allegedly Donates Drug Profits to Charity

A psychedelics dealer says he donated to Doctors Without Borders.

 By Joseph Cox

October 7, 2015, 8:24am   



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"A couple of weeks ago I made a donation to Doctors Without Borders, which has always been a charity that's been near and dear to my heart. So the attacks on their compound in Afghanistan yesterday were especially saddening," TripWithScience wrote.

A Doctors Without Borders hospital was bombed in Afghanistan by US forces late last week.

This isn't the first time TripWithScience has allegedly donated dark web cash to charity either. Earlier this year, the dealer sent funds to the See Change Foundation, which, amongst other things, works on educational development in Nepal.

"Like last time, the reason I'm now being public about this donation is because I want the world to know that even though we're a community of drug dealers and users, we aren't hurting anyone by confining our (non-violent, victimless) criminal activities online," the dealer wrote a few days ago, referring to the recent Doctors Without Borders donation.

Intentional or not, other users are apparently seeing TripWithScience in a great light because of these actions.

"Dude the world needs more drug dealers like you," one Reddit user wrote.

More users jumped onto the thread not to talk about TalkWithScience's donations, but the high quality of the dealer's product.

"Thanks for what you do and thank you for providing my (and many others) introduction to psychedelics. I'm a happier person as a result and knowing that your product was so well reputed was a big reason I finally felt ready to take the plunge," one apparent customer wrote.

Other dark web denizens have made charitable donations in the past. Dread Pirate Roberts 2 (DPR2), the owner of the second Silk Road marketplace, set up a fund to help victims of Typhoon Haiyan in 2013. DPR2 then matched the donations generated by the community.


Despite these examples, some people remain sceptical about whether this will catch on. "Considering your the only person doing this I think it says that drug dealers would rather spend everything on themselves," another Reddit user wrote.

EXHIBIT B

How psilocybin, the psychedelic in mushrooms, may rewire the brain to ease depression, anxiety and more

By Sandee LaMotte, CNN

Updated 7:41 AM EDT, Sat June 11, 2022

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(CNN) — Shrooms, Alice, tweezees, mushies, hongos, pizza toppings, magic mushrooms – everyday lingo for psychedelic mushrooms seems to grow with each generation. Yet leading mycologist Paul Stamets believes it’s time for fans of psilocybin mushrooms to leave such childish slang behind.



Mycologist Paul Stamets touts the benefits of mushrooms for brain health.

“Let’s be adults about this. These are no longer ‘shrooms.’ These are no longer party drugs for young people,” Stamets told CNN. “Psilocybin mushrooms are nonaddictive, life-changing substances.”

Small clinical trials that have shown that one or two doses of psilocybin, given in a therapeutic setting, can make dramatic and long-lasting changes in people suffering from treatment-resistant major depressive disorder, which typically does not respond to traditional antidepressants.

Based on this research, the US Food and Drug Administration has described psilocybin as a breakthrough medicine, “which is phenomenal,” Stamets said.

Psilocybin, which the intestines convert into psilocin, a chemical with psychoactive properties, is also showing promise in combating cluster headaches, anxiety, anorexia, obsessive-compulsive disorder and various forms of substance abuse.

“The data are strong from depression to PTSD to cluster headaches, which is one of the most painful conditions I’m aware of,” said neurologist Richard Isaacson, director of the Alzheimer’s Prevention Clinic in the Center for Brain Health at Florida Atlantic University.

“I’m excited about the future of psychedelics because of the relatively good safety profile and because these agents can now be studied in rigorous double-blinded clinical trials,” Isaacson said. “Then we can move from anecdotal reports of ‘I tripped on this and felt better’ to ‘Try this and you will be statistically, significantly better.’”

Your brain on mushrooms

Classic psychedelics such as psilocybin and LSD enter the brain via the same receptors as serotonin, the body’s “feel good” hormone. Serotonin helps control body functions such as sleep, sexual desire and psychological states such as satisfaction, happiness and optimism.

People with depression or anxiety often have low levels of serotonin, as do people with post-traumatic stress disorder, cluster headaches, anorexia, smoking addiction and substance abuse. Treatment typically involves selective serotonin reuptake inhibitors, or SSRIs, which boost levels of serotonin available to brain cells. Yet it can take weeks for improvement to occur, experts say, if the drugs even work at all.

With psychedelics such as psilocybin and LSD, however, scientists can see changes in brain neuron connectivity in the lab “within 30 minutes,” said pharmacologist Brian Roth, a professor of psychiatry and pharmacology at the University of North Carolina at Chapel Hill.

“One of the most interesting things we’ve learned about the classic psychedelics is that they have a dramatic effect on the way brain systems synchronize, or move and groove together,” said Matthew Johnson, a professor in psychedelics and consciousness at Johns Hopkins Medicine.

“When someone’s on psilocybin, we see an overall increase in connectivity between areas of the brain that don’t normally communicate well,” Johnson said. “You also see the opposite of that – local networks in the brain that normally interact with each other quite a bit suddenly communicate less.”

It creates a “very, very disorganized brain,” ultimately breaking down normal boundaries between the auditory, visual, executive and sense-of-self sections of the mind – thus creating a state of “altered consciousness,” said David Nutt, director of the Neuropsychopharmacology Unit in the Division of Brain Sciences at Imperial College London.

And it’s that disorganization that is ultimately therapeutic, according to Nutt: “Depressed people are continually self-critical, and they keep ruminating, going over and over the same negative, anxious or fearful thoughts.

“Psychedelics disrupt that, which is why people can suddenly see a way out of their depression during the trip,” he added. “Critical thoughts are easier to control, and thinking is more flexible. That’s why the drug is an effective treatment for depression.”

The growth of brain cells

There’s more. Researchers say psychedelic drugs actually help neurons in the brain sprout new dendrites, which look like branches on a tree, to increase communication between cells.

“These drugs can increase neuronal outgrowth, they can increase this branching of neurons, they can increase synapses. That’s called neuroplasticity,” Nutt said.

That’s different from neurogenesis, which is the development of brand new brain cells, typically from stem cells in the body. The growth of dendrites helps build and then solidify new circuits in the brain, allowing us to, for example, lay down more positive pathways as we practice gratitude.

“Now our current thinking is this neuronal outgrowth probably doesn’t contribute to the increased connectivity in the brain, but it almost certainly helps people who have insights into their depression while on psilocybin maintain those insights,” Nutt said.

“You shake up the brain, you see things in a more positive way, and then you lay down those positive circuits with the neuroplasticity,” he added. “It’s a double whammy.”

Interestingly, SSRIs also increase neuroplasticity, a fact that science has known for some time. But in a 2022 double-blind phase 2 randomized controlled trial comparing psilocybin to escitalopram, a traditional SSRI, Nutt found the latter didn’t spark the same magic.

“The SSRI did not increase brain connectivity, and it actually did not improve well-being as much as psilocybin,” Nutt said. “Now for the first time you’ve got the brain science lining up with what patients say after a trip: ‘I feel more connected. I can think more freely. I can escape from negative thoughts, and I don’t get trapped in them.’”

Taking a psychedelic doesn’t work for everyone, Johnson stressed, “but when it works really well it’s like, ‘Oh my god, it’s a cure for PTSD or for depression.’ If people really have changed the way their brain is automatically hardwired to respond to triggers for anxiety, depression, smoking – that’s a real thing.”

How long do results last? In studies where patients were given just one dose of a psychedelic “a couple of people were better eight years later, but for the majority of those with chronic depression it creeps back after four or five months,” Nutt said.

what we do with those people is unknown," he added. One possibility is to give another dose of the psychedelic – we don't know if that would work or not, but it might. Or we could put them on an SSRI as soon as they've got their mood improved and see if that can hold the depression at bay.

"There are all sorts of ways we could try to address that question," Nutt said, "but we just don't know the answer yet."

What about microdosing?



The mycelium, or root-like structure, of Lion's mane mushroom is part of the "Stamets Stack."

Stamets, who over the last 40 years has discovered four new species of psychedelic mushrooms and written seven books on the topic, said he believes microdosing is a solution. That's the practice of taking tiny amounts of a psilocybin mushroom several times a week to maintain brain health and a creative perspective on life.

A typical microdose is .01 to .03 grams of dried psilocybin mushrooms, as compared to the 25-milligram pill of psilocybin that creates the full-blown psychedelic experience.

Stamets practices microdosing, and has focused on a process called "stacking," in which a microdose of mushrooms is taken with additional substances believed to boost the fungi's benefits. His famous "Stamets Stack" includes niacin, or vitamin B3, and the mycelium, or rootlike structure, of an unusual mushroom called Lion's mane.

Surveys of microdosers obtained on his website have shown significantly positive benefits from the practice of taking small doses.

"These are self-reported citizen scientists projects and we have now around 14,000 people in our app where you register yourself and report your microdose," Stamets told an audience at the 2022 Life Itself conference, a health and wellness event presented in partnership with CNN.

"I'm going to say something provocative, but I believe it to my core: Psilocybin makes nicer people," Stamets told the audience. "Psilocybin will make us more intelligent, and better citizens."

Scientific studies so far have failed to find any benefits from microdosing, leaving many researchers skeptical. "People like being on it, but that doesn't validate the claims of microdosing," Johnson said. "People like being on a little bit of cocaine, too."

Experimental psychologist Harriet de Wit, a professor of psychiatry and behavioral science at the University of Chicago, was excited to study microdosing because it solves a key problem of scientific research in the field – it's hard to blind people to what they are taking if they begin to trip. Microdosing solves that problem because people don't feel an effect from the tiny dose.

De Wit specializes in determining whether a drug's impact is due to the drug or what scientists call the "placebo effect," a positive expectation that can cause improvement without the drug.

She published a study in early 2022 that mimicked real-world microdosing of LSD, except neither the participants nor researchers knew what was in the pills the subjects took.

"We measured all kinds of different behavioral and psychological responses, and the only thing we saw is that LSD at very low doses produced some stimulant-like effects at first, which then faded," de Wit said.

The placebo effect is powerful, she added, which might explain why the few additional studies done on it have also failed to find any positive results.

"I suspect microdosing may have an effect on mood, and over time it might build up resilience or improve well-being," Nutt said. "But I don't think it will rapidly fragment depression like macrodosing and going on a trip."

A need for caution

Obviously, not all hallucinogenic experiences are positive, so nearly every study on psychedelic drugs has included therapists trained to intercede if a trip turns bad and maximize the outcome if the trip is good.

“This is about allowing someone access into deeper access into their own mental processes, with hopefully greater insight. While others might disagree, it does seem very clear that you need therapy to maximize the benefits,” Johnson said.

There are also side effects from psychedelics that go beyond a bad trip. LSD, mescaline and DMT, which is the active ingredient in ayahuasca tea, can increase blood pressure, heart rate, and body temperature, according to the National Institute on Drug Abuse. Ayahuasca tea can also induce vomiting. LSD can cause tremors, numbness and weakness, while the use of mescaline can lead to uncoordinated movements. People hunting for psychedelic mushrooms can easily mistake a toxic species for one with psilocybin, “leading to unintentional, fatal poisoning.”

Another issue: Not everyone is a candidate for psychedelic treatment. It won't work on people currently on SSRIs – the receptors in their brains are already flooded with serotonin. People diagnosed with bipolar disorder or schizophrenia, or who have a family history of psychosis are always screened out of clinical trials, said Frederick Barrett, associate director of the Center for Psychedelic and Consciousness Research at Johns Hopkins.

“If you have a vulnerability to psychosis, it could be that exposing you to a psychedelic could unmask that psychosis or could lead to a psychotic event,” Barnes said.

Then there are the thousands of people with mental health concerns who will never agree to undergo a psychedelic trip. For those people, scientists such as Roth are attempting to find an alternative approach. He and his team recently identified the mechanisms by which psychedelics bond to the brain's serotonin receptors and are using the knowledge to identify new compounds.

“Our hope is that we can use this information to ultimately make drugs that mimic the benefits of psychedelic drugs without the psychedelic experience,” Roth said.

“What if we could give people who are depressed or suffer from PTSD or anxiety or obsessive-compulsive disorder a medication, and they could wake up the next day and be fine without any side effects? That would be transformative.”

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Severe depression eased by single dose of synthetic 'magic mushroom'

By Sandee LaMotte, CNN

Updated 8:07 AM EDT, Thu November 3, 2022



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03:22 - Source: [CNN](#)

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(CNN) — A single dose of a synthetic version of the mind-altering component of magic mushrooms, psilocybin, improved depression in people with a treatment-resistant form of the disease, a new study found.



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How psilocybin, the psychedelic in mushrooms, may rewire the brain to ease depression, anxiety and more

The randomized, double-blind clinical trial, which authors called “the largest of its kind,” compared results of a 25-milligram dose to a 10-milligram and 1-milligram dose of a synthetic psilocybin, COMP360, that was administered in the presence of trained therapists.

Results of the study, published Wednesday in The New England Journal of Medicine, found “an immediate, fast, rapid-acting, sustained response to 25 milligrams (of COMP360),” said study coauthor Dr. Guy Goodwin, a professor emeritus of psychiatry at the University of Oxford in the United Kingdom.

“This drug can be extracted from magic mushrooms, but that is not the way our compound is generated. It’s synthesized in a purely chemical process to produce a crystalline form,” said Goodwin, who is the chief medical officer of COMPASS Pathways, the company that manufactures COMP360 and conducted the study.

Experts in the field found the study findings promising.

“They clearly found a dose effect and clinically meaningful improvement in just three weeks,” said Dr. Matthew Johnson, a professor in psychedelics and consciousness at Johns Hopkins Medicine in Baltimore. He was not involved in the new study.

“If you were in the 25-milligram group, you were nearly three times as likely to respond than if you were in the 1-milligram group,” said Johnson, who coauthored safety guidelines for psychedelic research in 2008.

The rapid response to treatment was notable as well.

“The maximum effect (was) seen the day after receiving the treatment. This contrasts with standard antidepressants, which take several weeks to reach maximum effect,” said Dr. Anthony Cleare, a professor of psychopharmacology and affective disorders at King’s College London, in a statement. He was not involved in the study.

However, there are a number of issues that need further study before this drug would be available for clinical use, experts said.



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“The effects did start to wear off by three months, and we need to know how best to prevent the depression returning,” Cleare said, adding that not enough is yet known about potential side effects.

“While the safety profile seems encouraging overall, great care is obviously needed when using psychoactive substances such as psilocybin. Larger studies are on the way that we hope will help answer these issues,” he said.

Benefits faded

The clinical trial occurred at 22 sites in the United States, Canada, the UK and seven countries in Europe. The study was designed to test the safety of different dosages of the proprietary version of psilocybin.

The 233 study participants had treatment-resistant depression, which can only be diagnosed after a person fails to respond to two courses of antidepressants. Of the 9 million people in the US with medically treated depression, 3 million patients are resistant to treatment, studies have estimated. Globally, some 100 million people have treatment-resistant depression, Goodwin said.

People with the condition are at a high risk of physical illness, disability, hospitalization and suicide, the study said.



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Any study participants on antidepressants were required to wean themselves from those medications prior to the start of the trial. Psychedelic treatment doesn't work on people who are actively taking antidepressants — the receptors where psychedelics attach in the brain are already flooded with serotonin from their current mood-altering drugs.

"Participants were requested to remain off antidepressant treatment during the first 3 weeks after the trial-drug administration; however, these medications could be started at any time during the trial if deemed clinically necessary by a physician investigator," the study said.

Depression severity for each person was assessed the day before treatment using a psychological scale widely used by clinicians. Counselors trained to offer psychological support were present during the psychedelic trips, which lasted between six and eight hours. Participants were also given two more therapy sessions in the first week, the study said.

Depression levels were documented the day after the "trip" and another five times over a 12-week period. About 37% of people who took the 25-milligram dose showed improvement. In fact, 29% were considered to be in remission at week three, the study found.

By week 12, however, the positive impact on depressive symptoms had waned and no longer reached a level of statistical significance, the study found.

"The incidence of sustained response at week 12 was 20% in the 25-mg group, 5% in the 10-mg group, and 10% in the 1-mg group," wrote psychobiologist Dr. Bertha Madras, director of the laboratory of addiction neurobiology at Harvard Medical School's McLean Hospital in Belmont, Massachusetts, in an accompanying editorial. She did not participate in the study.



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“The more specialized response rate for a psychedelic treatment in and of itself only expect one to worsen over a longer follow-up period,” said Dr. Ravi Das, an associate professor of educational psychology research methods and statistics at University College London via email. He who was not involved with the study.

In addition, “there were an uneven number of severely depressed patients in each group; with significantly fewer severely depressed people in the apparent ‘effective’ (25mg) dose group,” Das said in a statement. “This does not appear to be acknowledged in the paper.”

Safety profile

Headache, nausea, fatigue and dizziness plagued 77% of the study participants and occurred at all dosage levels, which experts say is a typical response on the day of psilocybin administration.

A small number of people in all three dosage groups experienced suicidal thoughts or injured themselves over the 12-week follow-up period, the study found. Within the first three weeks alone, two people in the 25-milligram group thought about suicide and two intentionally injured themselves. Two people in the 10-milligram group were suicidal, one self-injured and one was hospitalized for severe depression, the study reported.

Those behaviors are “common in treatment-resistant depression studies — most cases occurred more than a week after the COMP360 psilocybin session,” the company said.



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“Remember that this is in people who were assessed not to be at significant risk of suicide when they entered the trial. The numbers were fairly small, but this is something that will need to be taken carefully into account in any later-stage trials,” said Kevin McConway, professor emeritus of applied statistics at The Open University, a British public research university.

The study results are promising, but many questions remain and it’s unknown if this drug would be successful for different types of depression, said McConway, who was not involved in the study.

“They can’t tell us how effective this psilocybin plus therapy treatment is in comparison with other existing drug or non-drug treatments for depression,” said McConway, noting that as a next step for follow-up trials.

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Johns Hopkins Medicine Receives First Federal Grant for Psychedelic Treatment Research in 50 years

10/18/2021



A cluster of Cubensis (magic mushrooms). Credit: Paul Stamets

Johns Hopkins Medicine was awarded a grant from the National Institutes of Health (NIH) to explore the potential impacts of psilocybin on tobacco addiction. This is the first NIH grant awarded in over a half century to directly investigate the therapeutic effects of a classic psychedelic, consistent with a recent [study](#) published online that searched NIH funding and found zero grants were awarded between 2006 and 2020. Johns Hopkins Medicine will lead the multisite, three-year study in collaboration with University of Alabama at Birmingham and

New York University. The study will be conducted simultaneously at the three institutions to diversify the pool of participants and increase confidence that results apply to a wide range of people who smoke. The grant, totaling nearly \$4 million, is funded by NIH's National Institute on Drug Abuse.

"The historical importance of this grant is monumental," says principal investigator [Matthew Johnson, Ph.D.](#), Susan Hill Ward Professor in Psychedelics and Consciousness in the Department of Psychiatry and Behavioral Sciences at the Johns Hopkins University School of Medicine. "We knew it was only a matter of time before the NIH would fund this work because the data are so compelling, and because this work has demonstrated to be safe. Psilocybin does have very real risks, but these risks are squarely mitigated in controlled settings through screening, preparation, monitoring and follow-up care."

Over the last 20 years, there has been a growing renaissance of research with classic psychedelics, which are the pharmacological class of compounds that includes psilocybin and LSD. These studies have been largely funded by philanthropy, resulting in impressive clinical findings for cancer-related existential distress, major depressive disorder and substance use disorders.

Johnson initiated this line of research testing psilocybin for tobacco smoking cessation 13 years ago. A pilot study [published in 2014](#) showed very high abstinence rates, much larger than those seen with traditional smoking cessation medications and therapies.

The current double-blind randomized trial involves psilocybin sessions as well as cognitive behavioral therapy — a type of talk therapy (psychotherapy) focused on pinpointing negative patterns of thought that can lead to behavioral and mental health problems. The researchers suggest psilocybin might help break the addictive pattern of thoughts and behaviors that has become ingrained after years of smoking, thus helping people to quit the habit.

Psilocybin, a compound found in so-called magic mushrooms, produces visual and auditory illusions and profound changes in consciousness. Combined with preparation and structured support, psilocybin has shown promise for treating a range of addictions and mental health disorders.

Johnson is available for interviews.

This research is supported by the National Institute on Drug Abuse of the National Institutes of Health under award number U01DA052174. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health.

Share Fast Facts

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Can #psilocybin help smokers quit? #NIH National Institute on Drug Abuse has funded @HopkinsMedicine Matthew Johnson, Ph.D., to find out. @Drug_Researcher

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EXHIBIT C

EDITORS' PICK

Oregon Legalizes Psilocybin Mushrooms and Decriminalizes All Drugs

Chris Roberts Contributor 

I cover cannabis capitalism: legalization's winners, losers, scammers and suckers.

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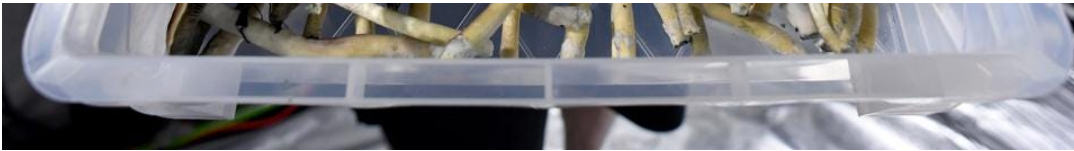
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Got it!

Oregon now has the most liberal drug laws in the United States, setting a precedent for dismantling the war on drugs that other states are expected to soon follow.

Voters on Tuesday approved a pair of ambitious drug-policy reform ballot measures: one to legalize psilocybin mushrooms for use in therapy; and a second, separate ballot measure that decriminalizes possession of small amounts of all drugs.





Adults in Oregon will be able to access psilocybin therapy treatments after voters approved state ... [+] DENVER POST V A GETTY IMAGES

Measure 109, which will allow adults 21 and over to use so-called “magic” mushrooms in supervised and licensed therapy sessions, was approved by a 56.21 percent to 43.79 percent margin, [according to results as of 10 p.m. on Thursday.](#)

And Measure 110, which rewrites vast sections of Oregon state drug laws to end criminal penalties for possession of limited amounts of all drugs and redirects resources to treatment services, passed by an even wider margin, 59.10 percent to 40.90 percent.

Possession of small amounts of drugs is now punishable by no more than a \$100 fine, similar to a traffic ticket.

However, much remains to be done.

The Oregon state Health Authority now has two years to decide how psilocybin mushrooms will be grown, processed, and how the state will license both therapy centers and the therapists who will provide mushroom-assisted treatment.

Though there are a growing number of “psilocybin entrepreneurs” as well as growing acceptance of psilocybin as a pharmaceutical drug, it’s not at all clear either will play a significant role.

And though analyses from both the state as well as criminal-justice advocates found that decriminalization will go a long way towards ending racial disparities in policing, there are still criminal penalties for possessing relatively modest amounts of drugs past the allowable amounts under Measure 110—and selling small amounts of drugs is still a crime in all circumstances.

Still, Oregon has now provided an example that other states may soon follow—to both legalize psilocybin for medical purposes, and to remove laws banning drug possession from its law books as a technique to both encourage public health and to re-imagine the purpose and function of law enforcement.

Measure 109 “was a careful, thoughtfully designed initiative to give Oregonians legal access to a therapy with incredible potential,” said

Graham Boyd, political director for Dr. Bronner's Magic Soaps, one of Measure 109's chief bankrollers.

"I'm proud to have been part of the team that put it together, and proud of the way our campaign focused on educating voters about a plant medicine that is too often misunderstood," he added. "When the rest of the country sees how this can be successfully implemented to the benefit of so many, I think it will open doors in many more places."

As for Measure 110, decisive voter support for across-the-board drug decriminalization "is a landmark declaration that the time has come to stop criminalizing people for drug use," said Kassandra Frederique, executive director of the Drug Policy Alliance.

"Measure 110 is arguably the biggest blow to the war on drugs to date," she added. "It shifts the focus where it belongs—on people and public health—and removes one of the most common justifications for law enforcement to harass, arrest, prosecute, incarcerate, and deport people."

"As we saw with the domino effect of marijuana legalization, we expect this victory to inspire other states to enact their own drug decriminalization policies that prioritize health over punishment."

Along with a six-figure contribution from the philanthropy outfit of Facebook CEO [Mark Zuckerberg and his wife](#), pediatrician Priscilla Chan, DPA was Measure 110's chief bankroller. The organization is expected to pursue similar decriminalization measures in other states.

As The Appeal noted, Measure 110 is modeled after drug decriminalization in Portugal, which, when coupled with extra

access to counseling, therapy, and addiction treatment, was found to reduce the incidences and severity of drug overdoses.

Neither measure attracted significant opposition.

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Chris Roberts

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EXHIBIT D



REPLY TO
ATTENTION OF

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AFRC-CPC-FCF

27 November 2022

MEMORANDUM FOR RECORD

SUBJECT: Character Reference for James Barlow

To the Honorable Judge:

I have known James Barlow as a great friend and more importantly as a Soldier who served with me, side by side, for the last ten years of my 15 years of my committed service in the US Army. I was both troubled and shocked to hear about his recent case as he has always been an excellent leader and great mentor. This is the reason that I am happy to write this letter for Mr. Barlow regarding this matter. Mr. Barlow has always been an upright character in his community and in our friendship. I understand the seriousness of this matter however, I pray the court will show some leniency.

Mr. Barlow served with me as the Detachment Sergeant when I was the Detachment Commander and served in several key positions when I took over as the Company Commander. I trusted Mr. Barlow with a company of 110 soldiers and more importantly, he taught me a great deal in leadership. He taught the art of leading subordinates and peers. Mr. Barlow was my second in command when I had no one, he took on roles that were two times his rank. He always took care of his soldiers and made sure that everyone was always accounted for. I recall a moment that he rushed on a soldier's behalf, drove his car during our two-mile run, the soldier almost fell ill to a possible stroke. This is one memory I have of him. Mr. Barlow will always be remembered for his true commitment and outstanding courage.

In addition to his twenty plus year career in the military, his support in the community, it is unfortunate that he has made some bad decisions. While I was surprised to hear of his misconduct, it comes to no surprise that he is ready to accept responsibility. Mr. Barlow has expressed deep sorrow, and remorse for such a serious mistake and I believe in his ability to pay his debt to society.

It is my sincere hope the court takes this letter into consideration at the time of sentencing. Despite the current case, I still believe Mr. Barlow to be honorable individual, and a valuable member of the US Armed Forces and our community.

The point of contact for this memorandum is the undersigned at (562) 392-5354 or sammi.s.messiha.mil@army.mil.

Sammi S. Messiha
(M30045)

Digitally signed by Sammi S. Messiha (M 0045)

SAM S. MESSIHA
CPT, USAR
COMMANDER

February 18, 2022

Subject: James V. Barlow

Dear Judge Sarah Morrison

I would like to tell you about the character of my son, Jimmy Barlow. I have seen his contriteness for his bad decisions. I love my Son, but he knows that I despise the thing that he did to be in trouble with the Law. Jimmy is the eldest of 4 siblings; as such he has a lot of the responsibility of watching over the 3 younger kids. Unfortunately, his mother and I divorced when he was 12 years old. But I was always in his life, and went to all his Boy Scout activities, any sporting events he had. We attended our Church faithfully until he graduated High School and he joined the Army Reserves. He was an adult man then and served many tours of duty in the Middle East. He moved to Las Vegas, NV and we only saw him a few times a year. He was always the clever one, loved to debate and had a lust for life.

Our family has a yearly family vacation where we all go to Lake Powell, stay on a houseboat, and enjoy water sports and play games every night with each other. All the grandchildren love their Uncle Jimmy. He takes the time to talk to them, encourage them when they are water skiing, or tubing behind the boat. He loves and cares for his family. One night on the boat one of my granddaughters, age 8, got up one night and was sleep walking. Jimmy noticed and talked to her to ask why she was up in the middle of the night. She was incoherent and just kept walking on the top of the houseboat, went down a spiral staircase to the back of the boat, Jimmy followed. She fell overboard into the pitch black night into the water. The house boat is 68 feet long, so she was a long way from the shore and she was paddling away from the boat in to the night, no lights anywhere. Luckily, Jimmy was aware and dove into the water and saved her, took her into the boat laid her down on the couch and got her parents up. When he went back she finally woke up and wondered why she was wet and on the couch, scary. If Jimmy had not been there I feel like we might have lost her. My son was heroic, like he was in the military. Over 15 years ago he invested in something called Bitcoin. He bought hundreds of them for between \$7 and \$35 when it first became available. I thought he might be nuts, but it turned out to be a great investment, so he had a lot of money before he got involved with these mushrooms. All the more reason I don't understand the choices he made. He was honest around me. If we went to the store and a clerk gave him too much change he would point out the mistake and give it back. Maybe his deployments in the military jaded his thinking, he left the Church, and started thinking about worldly things and not eternal things, like family and honor. I hope and pray he has learned his lesson and the court can show mercy, as he will never do anything illegal again. He is not a hardened criminal, just a young man that made a serious mistake, trying to justify his own reasoning. I also hope the court will allow him back some of his Bitcoin, because he had it before all this trouble began and he will not be left destitute.

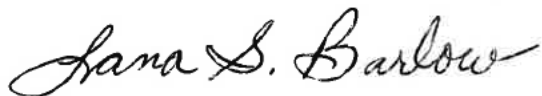
Sincerely, James G. Barlow



21 February 2022

To Judge Sarah Morrison

This letter is in reference to James V. Barlow, my stepson. Being a stepmom can sometimes be a challenge as we step into the lives of a family that has created its own pattern for living. However, that being said, I must say that Jimmy has made that an easy transition from the time he was 16 yrs old. He is full of life and quite the entrepreneur and it was fascinating watching him create so many things. Being a military veteran myself, I was so proud of Jimmy when he made the decision to join the National Guard. He was always willing to step up and go to those places that the government needed ready, willing, and able soldiers. He took great pride in his abilities to excel at whatever was before him. He has always been a pleasant person to be around and he was able to gain the respect and love of the soldiers he was put in charge of as he climbed the government ladder to his final rank when he retired after 20+ years. He has a good and pure heart and has always lived his life believing that he wanted to make the lives of those around him better. I think that he achieved that easily as he so courageously traveled the world always leaving a positive impression on those he met. Jimmy has much good left to accomplish in his life and I hope that he is allowed to remain free to do so.

A handwritten signature in black ink, reading "Lana S. Barlow". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Lana S. Barlow

Character Reference for Jim Barlow

Judge Sarah Morrison,

My name is Lamar Taylor. I am Jim Barlow's Uncle. I have been involved in Jim's life since he was a child. We have spent a lot of time getting to know each other over the years. We come from a very close family and have been very involved in each other's lives.

Jim has always been an inspiration to me and all who know him as a kind and generous person. He has given of himself to friends, family and strangers in so many ways. Jim has a unique and genuinely optimistic way of looking at life. He loves to help the people around him focus on what is good.

The stories I have heard of his service in the military are of his gift for bringing humor and perspective to even the most challenging situations.

I hope you will consider the good Jim brings to people around him as you decide how he will take responsibility for his choices.

Thank you for taking time read this letter.

Sincerely,

Lamar Taylor

Dear Judge Morrison;

Thank you for taking the time to read my letter. My name is Jacob Foote. I am currently a Staff Sergeant in the United States Army Reserve. I served under Sergeant First Class (RET) James Barlow. During this time he was not only my Platoon Sergeant he was also my mentor. SFC Barlow showed me not only how to lead but also showed me how to be a leader. He showed compassion and caring for our troops not only under his guidance but to all the Service members he came into contact.

James Barlow taught me that the needs of our soldiers were always to be placed first. I witnessed this on more than one occasion. For instance we were at a training site that was away from our unit, our mission was to be validated on our common tasks. During that critical training a junior soldier was having a family issue in a different state. SFC Barlow took time to sit and talk to soldier to understand the situation. He then guided this young man through the process of booking a flight and then made provisions to have him transported to the unit and then to the Airport. All the while showing utmost concern and sincerity for his situation. I can not recall him ever putting our tasks over the welfare of his soldiers.

James Barlow has been one of the most influential Leaders I have ever served under. He had the ability to not only answer my many questions but he took the time to explain and to teach me the answer. He showed me how to be kind as strength and not as a weakness. He taught me that when our people did good it was a team effort; however when we did not meet expectations that was just as much the leaders fault if not more than as the teams fault. I watched him take his lumps with our Company Commander over our platoon's performance and then tell our people how we did. He would tell us not only the bad like most leaders but also the good. He would then show us how we could be better. Never once did he yell or berate us. He was always the level head when we were surrounded by chaos. We would all follow his direction without hesitation because we all knew that he would never lie to us or put us in a position where we would have to lie or cover for him. His lessons have impacted my leadership, civilian employment, and my personal life. I have used what he taught me to lead my troops not only stateside but also while deployed. He has impacted my life more than he knows and more than I could ever say. If it was not for what he taught me and the lessons I learned from him, my life would not be what it is today. After suffering from PTSD for a long time SFC Barlow encouraged me to seek help. He convinced me that I would not be weak for asking for help. This one act has forever changed my life and put me on the path to having steady employment, a very fulfilling military career, and having a wonderful marriage.

Thank you again for taking the time to read my letter.

Respectfully,

Jacob Foote

From: Faune Thurman
Subject: Character Reference Letter for J m
Date: March 6, 2022 at 11:57 AM
To: Chr s M sh er
Cc:

H Chr s,
Let me know f th s sounds ok and f I need to ed t anyth ng at a . Thanks!

Dear Judge Morrison,
I'm writing this letter as a reference of character in regards
to James (Jimmy) Barlow.

Jimmy is my brother and to my kids, he and Matt are their favorite
uncles! Jimmy has always been amazing with my kids and I trust him explicitly with
them. He is often engaging them in fun conversations, encouraging them to read
books and praise them for their creativity. My daughter (Aurora) is 16 and my step-
son (Sam)
is 17.

One example of his selflessness is when Aurora was a baby I needed
a sitter for an important lunch meeting with my boss and Jimmy jumped at the
chance to spend some time with his niece. Since she was only 8 months old
though she would cry at the sight of anyone that wasn't mom and dad. So for 3
hours my brother watched
her with patience as she cried the whole time while trying to console her, playing
hide and seek and making sure her needs were put first. When I got home and
realized he had put up with a crying baby for that many hours he just smiled and
said he was happy
to do it because it helped me and he still got that time with his niece. That's the
kind of caring brother and uncle that he is.

Jimmy is the most kind, giving, and generous person I have ever
met. He has helped many people over the years with financial struggles and will
donate money to those in need. Case in point he recently heard of a woman who
had lost her home due to Covid and was living in her car, so he generously gave
her three months
of rent money to get back on her feet and all he asked is that one day she pay it
forward when she could. Jimmy is the kind of person that lights up a room when he
walks in, he's funny and witty and has the most infectious laugh. He's open to
seeing others
point of views even if he doesn't agree with them but is genuinely curious and
really seeks to understand another person's perspective or point of view and never
shames anyone for seeing things differently. Instead he creates a safe space to

have an open

dialogue and honest discussion, whether it be politics, religion, or the recent difference in the vaccination policy.

While I don't get to see him as much with him living in another

state, Jimmy has always made it a point to come to our annual family vacation at Lake Powell. It's important to him to see his family and for us to all have that time together when all 4 siblings (Jimmy, Matt, my sister Michone and I) can all be together.

He also makes it a point to get up to see us at Christmas time. Family is very important to Jimmy and he always lets us know how much he cares about us, even long distance. Jimmy is everything good and kind. He lights up when I see him and gives me big

hugs, and genuinely wants to know all about my life and what is going on with me.

16 years ago Jimmy's interpreter from Iraq, known as Yaya, was

in the states and needed a place to stay so I let him stay in my home. Yaya translated for Jimmy while he was serving overseas a year prior. He told me some stories of the war over there that Jimmy didn't share and I can only assume it's because Jimmy didn't

want his family to worry. Yaya told me that Jimmy was the bravest man he had ever met. They had a few missions they were sent on and before they left they would say their goodbyes to the rest of the platoon because they weren't sure if they were coming back.

He said that Jimmy did the work necessary but also made sure to keep the other soldiers spirits up. He would tell jokes and get them laughing, sing songs and do anything to keep their morale up and stay focused on mission. I knew there were some dangerous

instances over there but I admire Jimmy for protecting his family from unnecessary worry and doing what was needed while serving 3 tours in Bosnia, Afghanistan and Iraq.

I am so grateful that Jimmy is my brother and he has been there

for me my whole life. We've been talking a lot more on the phone and I've been trying to visit him more since his arrest. He has shown a great deal of remorse over this whole thing and really wants to start fresh. I will do everything I can to continue to support him and help him get back on his feet. My hope is that you allow him to do that sooner rather than later. Thank you for taking the time to read this.

Sincerely,

— —

Faune Thurman

From: Lenora Johnson
Subject: Fw: J m Has Been A Very Good Fr end
Date: December 18, 2021 at 7:59 PM
To: Chr s M sh er



Chris,

Here is a letter written by Jim's special need friend, Warren, that Jim has been so good to and made feel important since high school!

He wants to know what you think of his letter (bless his heart!). Let me know when you get this and I'll let him know.

Thanks,

Lenora

From: Warren Bagga ley
Sent: Tuesday, December 14, 2021 10:30 PM
To:
Subject: Jim Has Been A Very Good Friend

J m Has Been A Very Good Fr end To Me S nce My Sen or Year At Br ghton H gh Schoo Me And J m Graduated From Br ghton H gh Schoo In 1994 And We Have Been Good Fr ends S nce H gh Schoo And After H gh Schoo J m Is A Very Good Person He Has A Good Persona ty He Has A Funny Sense Of Humor I Have A ot Of Respect For H m And He Has A ot Of Respect For Me I Am A Hand capped Person W th A Learn ng D sab ty And That Is Why J m And I Became Best Fr ends Is Because He Cares About Me S nce I Have A Learn ng D sab ty And Me & J m Went To A Mannhe m Steamro er Concert Together Once And We Had Fun At That Concert Together I Don't Know About J m's Work Eth c But A I Know Is That J m Is A Hard Worker And He Has Served Our Country We Wh e He Was In The M tary And I Am Proud Of H m For Serv ng Our Country Wh e He Was In The M tary J m Is A Good Fr end A Fr end Cou d Ever Have J m Is My Best Fr end From Warren Emerson Bagga ey

From: quantumstep7
Subject: James Bar ow etters
Date: March 11, 2022 at 4:08 PM
To:



He o, thanks for he p ng w th th s. P ease et me know f I need to change anyth ng.

Dear Honorab e Judge; Sarah Morr son

My name s Abraham Perez and I am a sports rehab tat on therap st n Los Ange es Ca forn a. I am th rty s x years of age, and come from a broken home where I d dn't know my father a that we .

I met J m n November of 2014. We spoke of var ous authors that we enjoyed read ng, and shared a ove for sc ence and earn ng. L tt e d I know that I had just met one of my best fr ends n the who e wor d. Grow ng up w thout many pos t ve ma e ro e mode s a ong my path, J m stepped n to he p me w th a ot of persona growth.

Before ong he nv ted me to come v s t h m n Las Vegas, offer ng to h re me for my craftsmansh p n bodywork to make t worth my wh e, as we as prov d ng me a p ace to stay so that I cou d save money. Th s wou d be a tr p that changed my fe forever. After one of our sports rehab sess ons, he offered to fly me out w th h m on a three month journey to Centra Amer ca, because he found my work nva uab e.

He d dn't ask for one d me from me for trave or food expenses, just that we wou d make t me to do bodywork on h m once every few days.

I was speech ess, I had never been g ven such a tremendous opportun ty, et a one hav ng someone be eve n me, my ntegr ty, and my work to such a degree. It was the first t me I ever flew out of the country.

J m taught me how to trave as a m n ma st, pack ng ght, be ng resourcefu , and how to get around safe y, even n dangerous areas. We trave ed from Honduras to N caragua, and t was by far one of the greatest exper ences of my ent re fe. I tru y earned who I was out there, and I never wou d've gone w thout J m be ev ng and nvest ng n me.

Not ong thereafter J m taught me how to ose we ght by eat ng a hea thy d et of ma n y vegg es. You see, I was a very overwe ght k d to the po nt of gett ng p cked on a ot n schoo and by my s b ngs. J m saw that I had rea y ow se f esteem and shared the book "Eat to L ve" wh ch tota y changed how my approach to food.

S nce then I have comp ete y metamorphosed my body, and have never been hea th er.

J m s one of the most stupendous peop e you' ever meet. He s k nd and generous, thoughtfu , and mpeccab e w th h s word.

One t me we went out w th some fr ends and w thout even know ng the coup e next to our group he overheard they were ce ebrat ng an ann versary; he made fr ends w th them and bought them d nner, and a so bought everyone e se d nner!

I've seen h m he p other fr ends find emp oyment, or even g v ng them money to pay b s and buy food n exchange for work as s mp e as c ean ng h s room.

He has persona y he ped me out mmense y, g v ng me work so I cou d fina y purchase my dream car. But most mportant y, he has been a true fr end, the brother I w shed for, a better father figure than my rea dad, and the ro e mode I never had.

Sent from my Phone

Nia Hayes

2400 Zafra Ct

Las Vegas, NV 89102

March 16, 2022

Re: James Barlow

To: The Honorable Judge Sarah Morrison

My name is Nia Hayes and I am writing this letter on behalf of my very good friend Jim Barlow. I have known Jim since 2014 and have always known him to be an incredibly kind and trustworthy person. I'm hoping my input will have a positive impact on the consideration of leniency in his sentencing.

As long as I have known Jim Barlow, he has been a stand-up individual. He is usually the most responsible, knowledgeable, and helpful person in the room, which has always made him very dependable. I do not doubt that these incredible qualities are entwined with his impressive military career and serving our country for 20 years. I would trust him with anything and I know he would be there to assist in an instant if I needed help.

Jim is also incredibly generous: I have lost track of all the ways he has provided for me without me even asking over the years. Aside from my personal experiences of his generosity, I have known him to be just as generous with all the people in his life and quite philanthropic with causes that are dear to him. I cannot imagine a stronger, more supportive friend and community member.

I know that Jim regrets his choices in this case and is looking forward to moving on with his life as the positively-contributing citizen he is. He really has so much to give to those around him, and we all suffer greatly without his presence. I do hope that my points are well-received.

Sincere Regards,

A handwritten signature in black ink, appearing to be 'Nia Hayes', with a stylized, somewhat abstract shape.

Nia Hayes

Torkel Guttormsen
2400 Zafra Court
Las Vegas, NV, 89102

March 14th, 2022

To: Judge Sarah Morrison

Re: Jim Barlow

My name is Torkel Guttormsen, I'm 39 years old, and a Norwegian citizen living in the US on a green card since 2017.

I originally met Jim Barlow through my wife shortly after moving here, and he quickly became an important part of making my transition into a new life with new friends easier.

Ever since, he's been one of the people I've valued the most among my friends. He's been warm, welcoming, and generous with his time and energy whenever I've needed it. He's sat with me for hours discussing the development of technology and how we think it will improve the world. And he's been a great sounding board for me as I've worked to grow my own business teaching communication here in the US, to mention only a few examples of his love and helpfulness.

I once asked him why he spent so much of his time working and developing business ideas both for himself and others when he didn't seem to need the money. His answer was simple: he wanted to make enough money to be able to do philanthropy work on a scale that would have a significant and lasting positive impact on the lives of as many people as possible.

His answer stuck with me. And since Jim has never before, or since, been the type of person that would seek my approval or hide behind answers that simply sounded good, I'm convinced that this has always been one of his central motivations for the choices he's made.

After learning about his arrest and subsequent conviction, I fully respect and trust the court's ability to render a fair sentencing. With this letter I only hope that the court takes into account the positive impact Jim Barlow has had, and wishes to continue to have, on so many people's lives, and considers leniency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Torkel Guttormsen', written in a cursive style.

Torkel Guttormsen

From: Lenora Johnson
Subject: Character letter for Jim
Date: March 28, 2022 at 5:32 PM
To: Chris Misher



Dear Judge Morrison,

As Jimmy's mother, I would like to tell you about him. You will find a lot of similarities in this letter about him as I wrote about Matt. They are similar in a lot of good ways!

He, like Matt, is a good, kind and caring man.

Neither of these boys (men) are criminals. They know they broke the law, and I am confident that they will NEVER do it again!!

Kindness and Generosity

Jimmy LOVES to make people happy by helping them in ways they cannot do for themselves.

He is a VERY generous and giving person.

Some of the things he has given me personally are:

- When he was still in High School he bought me My first DVD player when he knew I wouldn't spend the money on myself as we had 10 kids living at home at the time. (Jimmy and Matt are 2 of my 4 natural children. Their stepdad and I blended our families 30 years ago.)
- When Jimmy was deployed overseas, he knew I was having back pain, so he bought me a very expensive (\$3k) massage chair and had it sent to my home in Utah! I still have it to this day, and it is very helpful!
- In the past several years he has given me & my Husband several expensive gifts (Echo Dot and Vacuuming robot to name

several expensive gifts (Lexus car and vacuuming robot, to name a couple). I don't want to try and justify the potential way he afforded them just because he spent that money for "good." But I'd at least like to point out that in every case these gifts were thoughtful and were based on either comments I had made within his earshot, or an observation of what he thought would help me the most. It's not that my son bought me nice things. It's that every time I use them it reminds me of how much he listened and sought to help improve my day-to-day happiness.

I know he is very generous in helping many others too. For example:

Prior to his arrest, he was talking to the missionaries for my church (he is an "inactive" member) and they told him about a woman who had joined the church just a month before. She had just lost her job and was worried about her family being evicted from her home. None of the other members were able to help - partially because she was new and they didn't know her yet. Jimmy met with her once, and handed her an envelope with enough cash for 3 months of rent plus groceries. When she said she would pay him back someday, he told her "Just pay it forward. Someday when you can, find someone in need and help them." He told me that he thought about the time when I was a struggling single mother in the '80s and some mystery person donated a LOT of blankets, clothing, food, and money to us once. And he said the blue comforter on his bed throughout his teenage years was a reminder of a stranger's kindness.

Jimmy would NEVER hurt anyone, only help them any way he can (legally now for sure)!!!

Military Service

He joined the Army in 1994 at the end of his senior year of High

School. He loves his country and wanted to serve it. He is the first/only person in our extended family to join the Military. We are proud of him.

Throughout the years, his military service has included three full-length deployments to war zones, and multiple missions to Africa, Japan, and Europe. He served in active duty, as well as in the Army Reserves and the Utah National Guard. For two years he was also a lead instructor (Phase Manager) in both the Counterintelligence Course and the Human Intelligence (HUMINT/Interrogation) Course. He was also a Detachment Sergeant in a Psychological Operations (PSYOP) unit in Las Vegas and was Acting First Sergeant for his company for several months.

Awards he has received that I know of:

- Army Commendation Medal x2, Army Achievement Medal x3, National Defense Service Medal with Bronze Star, Global War On Terrorism Expeditionary Medal, Global War On Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon x2, Army Reserve Overseas Training Ribbon x2, Armed Forces Reserve Medal With "M" Device x2, NATO Medal, Marksmanship Qualification Badge (MQB) - Expert With Rifle, MQB Sharpshooter with Pistol.

When I listened in on his arraignment in Ohio, I noticed his face when you said he would not be able to vote. I know that broke his and my heart, as he loves his country and has served her for so many years! He has put his life on the line many times. I hope he will be able to get that privilege back soon.

My Understanding of His Motivations

After his arrest he asked his lawyer to tell me to get the book "How to Change your Mind" by Michael Pollain, (he had actually already bought me a hard copy to give me but was arrested before he had the chance to bring it to me in Utah and explain it in person. Before his

arrest he wanted to at least broach the subject of his feelings about psychedelics).

After his arrest, he wanted to help me understand why he did what he did. He wanted me to understand his beliefs about the therapeutic effects of mushrooms. He bought me the book hoping that psilocybin would be legalized soon and would help me with my Tourette's syndrome and tinnitus, as it has for Matt. We all know now that even though it helped a lot of people and literally saved lives, it was a huge mistake, and he is so sorry that he broke the law to do it! I'm sure he didn't realize HOW wrong it actually was and that it would destroy his life and that of all those involved! He feels TERRIBLE and will never ever break the law in any way again! He is really stressing about what will happen to the others involved. He has said many times that he is willing to pay all of their prison time for them. That's the kind of person he is. He also wants to pay all their attorney fees, but since ALL of his money, including what he earned legitimately through wise investments before he was involved in the mushrooms, was seized or surrendered, that may be impossible without a change to the forfeitures list. He tells me he is optimistic on that front, but knows it will be a slow process.

Finally

As I mentioned in my letter about Matthew (I don't know which one you will read first) my husband and I are serving a full-time, 2-year mission for the Church of Jesus Christ of Latter-Day-Saints in Idaho Falls, Idaho right now. We are the directors of the Temple Visitors' Center here. But I can make myself available as needed for this case.

Thank you so much for your time in reading all of these letters from friends and family of my boys. I hope you are able to feel an iota of the

goodness they have in them. They are not perfect, as none of us are, but have so many good qualities that I wish more people had!

Sincerely,
Lenora Johnson